

Appl. No. : 09/815,450
Filed : March 22, 2001

REMARKS

In the Office Action mailed on April 13, 2004, the Examiner rejected Claims 1-27 under 35 U.S.C. 103(a) as being unpatentable over Teper (U.S. Pat. No. 5,815,665) in view of Ojha et al (U.S. Pat. No. 6,593,026). By the foregoing amendments, Applicants have canceled Claims 2-27, and added Claims 28-55. In addition, Applicants have revised the title, and have corrected several minor errors in the specification. No new matter has been added.

For the reasons set forth below, Applicants submit that the pending claims are patentably distinct from Teper and Ojha et al.

I. Discussion of Cited References

Teper discloses a Brokering Service that allows users to anonymously purchases online services from Service Provider (SP) web sites. To use this system, a user initially registers with the Brokering Service and installs a special brokering client 44 on a user computer 40. (Note that none of the embodiments disclosed in the present application require any special client software on the user's computer, but rather make use of an ordinary web browser.) Thereafter, when the user accesses an SP web site 50 that is affiliated with the Brokering Service, the SP site 50 sends a challenge message to the user computer 40, which responds (via the brokering client 44) by generating and returning a cryptographic response that is dependent upon the challenge message and the user's password. The SP site 50 then forwards this response to an Online Brokering site 60 for authentication. If authentication is successful, the Online Brokering site 60 returns an anonymous session ID which may be used by the SP site 50, throughout the course of the browsing session, to anonymously bill the user for services purchased, including software downloads and access to online publications. The Online Brokering site 60 may also send to the SP site 50 access rights data that specifies, for example, specific publications to which the user has subscribed.

Ojha et al discloses a system in which buyers and sellers can engage in sales transactions over the Internet. Using this system, a buyer can execute searches for products that are available from sellers, and can save information about these products in a shopping list. This shopping list can then be shared via the system with friends to solicit feedback. The system also provides an interface through which buyers can submit bids to, and negotiate with, sellers of products. Ojha et al does not involve the delivery of digital products to users.

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II. Rejection of Claim 1

Applicants respectfully submit that the obviousness rejection of Claim 1 is improper because Teper and Ojha et al do not disclose or suggest all of the limitations of this claim. For example, Teper and Ojha et al do not disclose or suggest “transmitting to the customer a receipt for the purchase, said receipt containing a reference by which the customer may initiate a request for product delivery.” Teper and Ojha et al additionally fail to disclose or suggest “receiving a request for product delivery from the computer of the customer produced from the receipt,” and “in response to the request for product delivery, securely transmitting to the computer of the vendor a fulfillment request containing sufficient information for the vendor to deliver the digital product to the customer.”

The Examiner did not specifically address these claim limitations in the Office Action. If the Examiner believes these features of Claim 1 are taught by Teper and/or Ojha et al, he is respectfully requested to identify the specific portions of these references on which he is relying.

Applicants additionally submit that the Examiner has failed to identify a motivation to combine the teachings of Teper and Ojha et al. In connection with this issue, the Examiner states that the motivation to combine “is to teach an e-commerce mechanism for buyers and sellers to negotiate on the Internet in an anonymous fashion as enunciated by Ojha,” citing col. 2, lines 40-44 of Ojha et al. Ojha et al does not, however, disclose a mechanism for buyers and sellers to negotiate *in an anonymous fashion* as asserted by the Examiner. In addition, nothing in Teper suggests adding the anonymous browsing features disclosed therein to a bidding system of the type disclosed in Ojha et al. Thus, the cited references do not support the Examiner’s asserted basis for combining their teachings.

III. New Claims

Many of the dependent claims recite limitations that provide additional distinctions over Teper and Ojha et al. For instance, some of the dependent claims involve inhibiting additional downloads of the digital product once the product has been downloaded a threshold number of times. Teper and Ojha et al do not suggest this feature.

Teper and Ojha et al also fail to disclose or suggest the method set forth in new independent Claim 43.

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IV. Conclusion

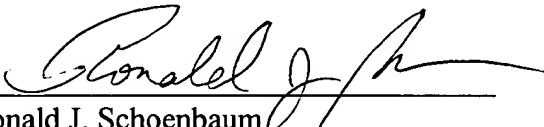
In view of the foregoing amendments and remarks, Applicants submit that the pending claims are patentably distinct from the cited art, and request that the application be allowed.

If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at his direct dial number of 949-721-2950.

Respectfully submitted,

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